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SUBJECT: ACEH: IMPLICATIONS OF NEW SHARIA LAW ALLOWING STONING

11. (U) This cable is Sensitive but Unclassified. Please handle accordingly. This message was coordinated with Embassy Jakarta.

12. (SBU) Summary. Provincial leaders and civil society groups in Aceh have voiced strong concern and the Indonesian central government is considering the constitutionality of a draconian Shariah law passed recently by the Aceh Provincial Parliament (DPRA). DPRA unanimously passed a local law (qanun) on Sharia punishments for crimes including stoning to death for adultery and steep prison terms and public caning for homosexual acts, rape, and pedophilia just two weeks before the end of the current DPRA's 5-year term. Aceh leaders assured Consulate Medan that the more severe provisions - such as the stoning provision - will never be implemented. Elements of Sharia law have been implemented since 2001 in Aceh but enforcement and vigor has been waning in past years. The new push seems to be a combination of a desire to leave a pious legacy on the part of the ineffective outgoing parliament and a political climate that brooks no room for formal political opposition to what is perceived as "conservative Muslim values". Nevertheless, chances for any implementation of measures like stoning are extremely low. Also, the newly elected parliament which will be installed in early October is more secular and could strike down the more odious provisions. End Summary.

Putting the Law into Context

13. (SBU) Aceh local Parliament passed a Sharia law on September 14 which would impose penalties up to stoning to death for adultery and steep prison terms and public caning for homosexual acts, rape, and pedophilia. Both the Governor and Deputy Governor have stated their clear opposition to the stoning provision. Without their support the law cannot be implemented even if it takes effect. Furthermore, April local elections put a new parliamentary plurality in the hands of the ex-GAM Aceh Party, an organization built by former combatants supportive and committed to secular law and focused on leveraging Aceh's autonomy rather than further implementing tenets of religious law.

14. (U) Indonesians, including Acehnese, continue to practice a very moderate form of Islam. Aceh Province contains only some 1.6 percent of Indonesia's total population of some 240 million. The current controversy over the stoning provisions in the new law should also be put into context of the fact that Aceh remains the only one of Indonesia's 33 provinces to implement Sharia law. In addition, trends in Aceh in recent years have seen a waning of enforcement of existing Sharia statutes and public discontent with the Sharia police.

Local Concerns Expressed

15. (SBU) Provincial government officials including Aceh Vice Governor Muhammad Nazar publicly voiced their opposition to the stoning clause in the law in the days leading up to the vote on September 14. Aceh Provincial Secretary Husni Bahri (senior civil servant and number three after the Vice Governor in the Provincial Government) publicly stated on September 11 that the Provincial Government has not agreed to fully endorse the measure because of the stoning clause. Aceh Governor Irwandi Yusuf is out of the country but made his opposition to the stoning provision clear to Consulate Medan on September 15.

16. (SBU) Aceh's NGO Forum Head also expressed a desire for more transparency and debate before hastily passing an ill-considered law when contacted by Consulate Medan on September 14. According to him the parliamentary leadership was less enthusiastic than the individual parties but political room to criticize any element of Sharia law is limited given the association between Sharia and promoting core conservative Muslim values in Aceh. Civil society had convened a roundtable to openly discuss the draft qanun on September 9, but their recommendations, including ensuring the inclusion of protection of basic human rights, have been ignored by the DPRA.

17. (SBU) National human rights NGO KontraS also publicly called for a delay in the legalization of the laanun in a statement September 14 statement. KontraS also called for the involvement of Muslim scholars and academics in Aceh as well as legal scholars also civil society including women's groups. Opponents of the qanun also assembled outside the DPRA on Monday as the debate progressed, as

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did supporters of the legislation. Many civil society groups have called the law's passage premature and called for public discussion on the issue noting that the 7-day period for public comments allowed for draft qanun had not been provided.

Saving a Parliamentary Legacy?

18. (SBU) The current DPRA's legacy has already seen a record of intransigence in working with the Provincial Government and an almost total lack of accountability to the public on a range of issues, compounded by the fact that all of the parties currently represented in the DPRA lost badly in elections for the local parliament held on April 9. This has assured that the new local parliament that will take its seat in early October will be controlled by the local ex-GAM Aceh Party (33 of 69 seats) and the national parties currently sitting in Banda Aceh will to a large extent lose their power and influence over the provincial legislative agenda. The current move is seen by many observers as an attempt to shore up a poor legislative legacy with a pious final act. Only President Yudhoyono's Democratic Party (PD) voiced any opposition during debate on the stoning clause. PD members told Consulate Medan that in the end they had to go along with the vote since Sharia law is based on the Koran and hadith (teachings) of Mohammed and any opposition to the qanun would be seen as "unislamic".

19. (SBU) Local Prosperous Justice Party (PKS) members in Aceh involved in drafting the qanun have called it "a door to repentance" and "a preventative step for the people of Aceh to avoid moral damage". PKS members also told the media the current legislation is a counter to foreign influences in Aceh. The international community has been working in Aceh for nearly 5 years on Tsunami reconstruction and the timing of the law being passed by the outgoing DPRA now for that reason is highly suspect. Observers told Consulate Medan on September 15 that passing this qanun may be an attempt to profile the outgoing legislators as pious.

Sharia Law Application Spotty and Waning

110. (SBU) The great irony in the current legal frenzy to pass the new Sharia qanun is that enforcement of Sharia law has been waning in the past few years. Incidents of frustration with the Sharia police have grown and government resources for their work have been

restricted. The previous presence of roadblocks checking for proper dress, for example, has completely disappeared as of this year. Public canings have become more public sport than pain-inducing spectacle as to the canings inflict only minor pain and public humiliation. Aceh Governor Irwandi Yusuf has repeatedly stated to Consulate Medan and many others that his administration is keeping Sharia law implementation at bay and resources limited since he views the inclusion of Sharia law into Aceh's autonomy as a sort of "poisoned apple" forced on Aceh by Jakarta without much consideration during the 2001 autonomy negotiations.

Implications and Chances for Implementation

¶11. (SBU) Several analysts contacted by Embassy Jakarta on September 15 made the point that this should not be taken out of context or seen as an example of a growing trend in Indonesia to implement Sharia law across the country. In fact, our contacts told us that the new law would likely never be implemented as it does not represent the wishes of the Acehnese people. Nor does it reflect the ideals of the newly-elected Acehnese government, which has expressed its commitment to secular values. In fact, Sharia-inspired bylaws have been on the decline in Indonesia since 2007. We expressed concern on September 14 to our GOI contacts that this new bylaw could be seen as a win by the Islamists and a setback to secular democracy in Indonesia.

¶12. (SBU) Contacts within the Islamic-based Prosperous Justice Party (PKS) in Jakarta contacted on September 15 told us that he was not concerned as it would be nearly impossible to implement such a law. "This type of law is used in Aceh as a means of placing fear in people to live in accordance to Islamic laws and values," he said. He also noted that it was time for Islamic scholars to get involved and work with local Acehnese leaders to discuss the correct interpretation of Sharia law, which is often misinterpreted, he said.

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¶13. (SBU) Although by law all qanun passed by the DRPA go into effect 30 days after they are passed, the chances for actual implementation by the state of any of the harsher provisions including the stoning of adulterers remains extremely remote. The Coordinating Ministry for Politics and Security's Desk Aceh (FKK) Deputy Zainal Arifin told Consulate Medan that the stoning provision would never be implemented. He and the head of Desk Aceh landed in Banda Aceh on September 15 to specifically discuss coordination between the local and central governments on the qanun and he categorically stated that the stoning provision was a no-go.

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